

OPC Reorg

Trailer Bill Language

SECTION 1. Section 2850.5 is added to the Fish and Game Code, to read:

2850.5 Notwithstanding any other provisions of this chapter, commencing on July 1, 2013 the Ocean Protection Council shall assume direction of policy and monitoring of marine protected areas.

SEC. 2. Section 35600 Public Resources Code is amended to read:

35600. (a) The Ocean Protection Council is established in state government. The council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and two members of the public appointed by the Governor. (b) The two public members shall each serve a term of four years, and may each be reappointed to one additional term. The public members of the board shall be appointed on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience in the protection and conservation of coastal waters and ocean ecosystems. One of the public members shall have a scientific professional background and experience in coastal and ocean ecosystems.

(c) Except as provided in this section, members of the council shall serve without compensation. A member shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties, and in addition shall be compensated at one hundred dollars (\$100) for each day during which the member is engaged in the performance of official duties of the council. Payment for actual and necessary expenses shall be paid only to the extent that those expenses are not provided or payable by another public agency. The total number of days for which a member shall be compensated may not exceed 25 days in any one fiscal year.

SEC. 3. Section 35605 of the Public Resources Code is amended to read:

~~35605. At the council's first meeting in a calendar year, the council shall elect a chair from among its voting members.~~ The Secretary for Natural Resources shall serve as the chair and the secretary for Environmental Protection shall serve as the vice chair of the council. The Assistant Secretary for Coastal Matters at the California Natural Resources Agency position shall be designated the Deputy Secretary for the Natural Resources Agency for Ocean and Coastal Policy and will also serve as the Executive Director for the Ocean Protection Council.

SEC. 4. Section 35625 of the Public Resources Code is amended to read:

35625. (a) The Secretary of the Natural Resources

Agency ~~the executive officer of the State Coastal Conservancy~~ shall act as secretary to the council, administer its affairs, and provide the staff services that the council needs to carry out this division, including, but not limited to, both of the following:

(1) Administering grants and expenditures authorized by the council from the fund or other sources, including, but not limited to, block grants from other state boards, commissions, or departments.

(2) Arranging meetings, agendas, and other administrative functions in support of the council.

(b) The Legislature may make appropriations to be used for the purposes of this division directly to the secretary of the Natural Resources Agency ~~State Coastal Conservancy secretary of the Natural Resources Agency~~, for expenditures authorized by the council. If an expenditure has been approved by the council for the purposes of this division, approval of the ~~State Coastal Conservancy~~ secretary is not required, except in the case of block grants provided by the council to be administered by the ~~State Coastal Conservancy~~ secretary.

(c) Any bond funds received by the State Coastal Conservancy on or before July 1 2013 authorized to fund Ocean Protection Council programs shall be transferred to the Natural Resources Agency.

(d) The Legislature finds that on the effective date of this enactment that various contracts and grants will be pending or remain subject to active management by the Conservancy on the Council's behalf. For the sole and exclusive purpose of administering all such contracts and grants when the council assumes the specified responsibilities pursuant to Section 35600 of the Public Resources Code, the Secretary of the Resources Agency is hereby designated as the legal successor to the Conservancy. , the Secretary of the Resources Agency therefore shall have the same powers and duties as the Conservancy, and, in addition, all the following powers and duties:

(1) To complete, modify, cancel, or otherwise manage all contracts and grants in accordance with existing law;

(2) To compromise and settle claims of every nature relative to all such grants and contracts;

(3) To have custody of and responsibility for completing, maintain, and disposing of any records relevant to this transferred responsibility.

SEC. 5. Chapter 5 (commencing with Section 36660) is moved from Division 27 of Division 26.5 of the Public Resources Code.